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Response to OA of 08/18/2005

Remarks

In the present response, two claims (11 and 25) are amended; and six claims (27-32) are newly added. No new matter is entered. Claims 1-32 are presented for examination.

I. Objection to Abstract

The term "invention" is removed from the Abstract.

II. Claim Rejections: 35 USC § 112

Claim 11 is rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 11 is amended to cure this rejection.

III. Claim Rejections: 35 USC § 103

Claims 1 – 26 are rejected under 35 USC § 103 as being unpatentable over US 2002/0069355 (Garrison) in view of US 2002/0077077 (Rezvani). This rejection is traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicant asserts that the rejection does not satisfy these criteria.

No Suggestion/Motivation to Modify/Combine References

For at least the following reasons, no suggestion or motivation exists to modify or combine Garrison in view of Rezvani.

First, Applicant argues that no teaching or suggestion exists to make the combination because the references are directed to completely different inventions. Garrison is directed to establishing a secure connection between a computer system and a server so the computer system can access a database (see [0014]). In Garrison, a new

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encryption key is used for each new data session to inhibit unauthorized users from accessing the database (see [0042]). By contrast, Rezvani is directed to automatically detecting a wireless device and registering the wireless device with a controller (see [0055]).

The Examiner must provide *objective evidence*, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Such teaching or suggestion does not exist.

Second, Applicant argues that no teaching or suggestion exists to make the combination because the references are directed to solving completely different problems. In Garrison, the Background section discusses security concerns because unauthorized remote users can hack into databases. In fact, Garrison explicitly provides a "need paragraph" and states that a need exists "for providing a more secure system and method of allowing remote access to a database system" ([0012]). By contrast, Rezvani solves a completely different problem. In Revzani, the Background section discusses the problems with tracking wireless devices and the problems of clock drift between controllers and transmitters. Rezvani explicitly provides a "need paragraph" and states a need exists "to have a system in which the registration of the transmitter devices is flexible and sufficiently easy to perform by a user ..." ([0007]).

To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). In light of the completely different inventions and problems being solved in Garrison and Rezvani, no suggestion or motivation exists to combine or modify these references.

For at least these reasons, Applicant respectfully asks the Examiner to withdraw the rejection since a *prima facie* case of obvious has not been established.

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No Reasonable Expectation of Success

No reasonable expectation of success has been established for modifying Garrison with the teachings of Rezvani to arrive at the recitations of the claims. In other words, even assuming arguendo that Garrison and Rezvani are combinable (which they are not), the combination will not yield a reasonable expectation of success.

Garrison expressly teaches that a user engages numerous steps to secure a communication with a server in order to access a database. The method in Garrison is shown in FIG. 4A: the user contacts the server, the server returns an encryption key, the user supplies a password to the server, the server translates the password, the user encrypts and sends data request, etc. (see specification beginning at [0064]). In direct contrast to Garrison, Rezvani teaches embodiments that "automatically detect a wireless control device and register that device with the receiver/controller" (emphasis added: see [0055]). In other words, Rezvani teaches methods for automatically discovering and registering wireless devices, "such as sensors, appliances, VCRs, microwave ovens, and thermostats" (see [0037]). Garrison teaches numerous steps to secure communication between a computer system and server.

In view of these deficiencies, the Office Action has failed to establish a reasonable expectation of success with a combination or modification of Garrison and Rezvani. Therefore, the *prima facie* case of obviousness has not been established.

All Elements Not Taught or Suggested

All of the elements of the claims are not taught or suggested in Garrison and Rezvani. By way of example, limitations from the independent claims are discussed.

Claim 1

Claim 1 recites numerous limitations that are not taught or suggested in Garrison in view of Rezvani. For example, claim 1 recites that a wireless communication device provides an access request to a private database. The access request includes "an appliance identification (ID) that uniquely identifies the wireless communication device." Nowhere does Garrison teach or suggest that the access request itself includes an

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appliance identification that uniquely identifies the wireless communication device. By contrast, Garrison teaches that user transmits a password to identify himself (i.e., the user), not the appliance device. Garrison states:

> In accordance with another feature of the present invention, the client initially transmits a password to the server in order to **identify the user** of the client as an authorized user. (Emphasis added: [0016]).

In other words, Garrison teaches that the user sends a password to identify himself as an authorized user. This teaching is in contrast to the claimed recitations. Claim 1 recites receiving an access request from the wireless communication device. The access request includes an **appliance** identification (not user identification). This appliance identification "uniquely identifies the wireless communication device" (not uniquely identifies the user).

Garrison repeatedly reiterates that his access request identifies the user, not the wireless device. FIG. 4A is a flow chart illustrating the method of Garrison. The client computer and server utilize a public key exchange to establish a new encryption key (see [0065]). Garrison then teaches how the access request is performed:

> After receiving the new encryption key from the server 17a, the client 14 encrypts the user's password and log name with the new encryption key and transmits the password and log name to the server 17a .....
>
> The server 17a compares the log name transmitted by the client 14 with the log name in the password data table entry corresponding with the password. If the log names match, the user of the client 14 is determined to be an authorized user. (See [0066 – 0067]: portions omitted for brevity).

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Nowhere does this section or any section of Garrison teach or suggest that the access request includes an appliance identification. Instead, Garrison expressly teaches that the user sends a password and log name. A password and log name, however, do not include an appliance identification. Nowhere is the actual appliance identified in Garrison.

For at least these reasons, claim 1 is allowable over Garrison in view of Rezvani. A dependent claim inherits the limitations of a base claim. Thus, for at least the reasons given in connection with claim 1, the dependent claims are also allowable over Garrison in view of Rezvani.

Claim 12

Claim 12 recites numerous limitations that are not taught or suggested in Garrison in view of Rezvani. For example, claim 12 recites transmitting a RF communication to the remote database. The RF communication comprises both an access request and an appliance ID that uniquely identifies the wireless communication device. For at least the reasons given in connection with claim 1, independent claim 12 is also allowable over Garrison in view of Rezvani.

A dependent claim inherits the limitations of a base claim. Thus, for at least the reasons given in connection with claim 12, the dependent claims are also allowable over Garrison in view of Rezvani.

Claims 19, 22, 24, and 25

Claims 19, 22, 24, and 25 each recites numerous limitations that are not taught or suggested in Garrison in view of Rezvani. By way of example, Applicant illustrates some claim limitations from claim 19. For example, claim 19 recites a wireless communication device that comprises an appliance ID corresponding to a multiple-use unique identifier that is included in all transmitted RF communications from the wireless communication device. Nowhere does Garrison in view of Rezvani teach or suggest that the wireless device has an appliance ID that corresponds to a multiple-use unique identifier that is included in all transmitted RF communications. In fact, the Office Action has failed to identify such an element in either Garrison and/or Rezvani. If the Office Action continues

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to maintain this rejection, Applicant respectfully asks for an identification of an element in Garrison and/or Rezvani that corresponds to a multiple-use unique identifier that is included in all transmitted RF communications.

Further, Applicant respectfully cites MPEP §2111.01: "[T]he words of a claim must be given their plain meaning unless applicant has provided a clear definition in the specification." Applicant has provided a clear definition in the specification for the term "multiple-use unique identifier." Specifically, Applicant's specification states: "Accordingly, appliance ID 210 is referred to herein as a multiple-use unique identifier since the appliance ID 210 uniquely identifies the appliance and identifies the appliance as an authorized device to embodiments of the private database wireless access system 100" (Emphasis added: [28]: p. 6 last paragraph). Nowhere does Garrison in view of Rezvani teach or suggest a multiple-use unique identifier that uniquely identifies both the appliance and the appliance as an authorized device.

Further, claim 19 recites that the processor transmits a first RF communication to the database device that has both (1) the appliance ID and (2) the private database access request. Nowhere does Garrison in view of Rezvani teach or suggest that a first RF communication includes both an appliance identification and a private database access request.

For at least the reasons, independent claims 19, 22, 24, and 25 are allowable over Garrison in view of Rezvani. A dependent claim inherits the limitations of a base claim. Thus, for at least the reasons given in connection with claim 19, 22, 24, and 25, the dependent claims are also allowable over Garrison in view of Rezvani.

IV. New Claims

Applicant adds new claims 27-32. These claims have numerous recitations that are not taught or suggested in the art of record.

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CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Philip S. Lyren
Reg. No. 40,709
Ph: 281-514-8236

CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 25 day of October, 2005.

By _____
Name: Carrie McKerley

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